

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION

No. 7:11-CV-83-F

SUN TRUST BANK, INC.,)
 Plaintiff,)
))
 v.)
))
SLOAN DRUMMONDS, INC.;)
WORTHMORE FINANCIAL, INC., d/b/a)
WORTHMORE PROPERTIES; BAYVIEW)
MOTORS AND COMMERCIAL TRUCKS,)
INC.; SLOAN DRUMMONDS,)
individually; and CRYSTAL)
DRUMMONDS, individually,)
 Defendants.)

O R D E R

This matter is before the court on motion of plaintiff, Sun Trust Bank, Inc. (“Sun Trust”), for Entry of Default [DE-17] as against defendants Sloan Drummonds, Inc.; Worthmore Financial, Inc., d/b/a Worthmore Properties; and Sloan Drummonds, individually (hereinafter “the Drummonds defendants”).¹ The record demonstrates that service of process was had on all defendants.

The defense attorney who removed this action from Columbus County, North Carolina, Superior Court to this court on behalf of all defendants filed a Motion to Withdraw [DE-12] as counsel of record for the Drummonds defendants on June 1, 2011. Attached to his Motion to Withdraw is a letter purportedly signed by Sloan Drummonds in his individual capacity and in his capacity as agent for both Sloan Drummonds, Inc., and Worthmore Financial, Inc., d/b/a Worthmore Properties. Drummonds’ letter [DE-12], Exhibit A, states that Mr. Drummonds in his individual and representative capacities, acknowledges and agrees to the Motion to Withdraw [DE-12] and to counsel’s continued representation of the remaining defendants and

¹ Defendants Bayview Motors and Commercial Trucks, Inc. and Crystal Drummonds, individually, filed an Answer ,*see* [DE-15], on June 1, 2011.

waives any resulting conflict, and further acknowledges that the Drummonds defendants must timely respond to the Amended Complaint unless otherwise directed.

By order of June 1, 2011, the undersigned allowed the Motion to Withdraw, and directed Sloan Drummonds, Inc. and Worthmore Financial, Inc., d/b/a Worthmore Properties to cause their substitute counsel to file a Notice of Appearance on or before June 22, 2011. *See* [DE-14].² The order further directed Sloan Drummonds, individually, on or before the same date to advise the court whether he intended to proceed *pro se* in the action or, alternatively, to appear through substitute counsel. *See id.* The record reflects that the withdrawing attorney notified counsel for Sun Trust that he had provided his three former clients, the Drummonds defendants, a copy of the court's order permitting him to withdraw as their counsel. *See* [DE-16].

None of the Drummonds defendants complied with the court's order [DE-14] or sought additional time within which to do so. On June 24, 2011 – two days after the deadline – Sun Trust filed the instant Motion for Entry of Default as against the three Drummonds defendants. No response has been filed and the Drummonds defendants still have not complied with this court's order .

It appears to the court that the Drummonds defendants have acknowledged and consented to withdrawal by their lawyer. It further appears that they have acknowledged their responsibility to respond to Sun Trust's Amended Complaint, yet they have chosen not to do so. Accordingly, rather than order the Drummonds defendants to show cause why they should not be held in contempt of court for failure to comply with the order of June 1, 2011, the court elects instead to ALLOW Sun Trust's Motion for Entry of Default [DE-17] as against the Drummonds defendants – specifically, Sloan Drummonds, Inc.; Worthmore Financial, Inc., d/b/a


² Of course, a corporate entity may not appear in this court except through counsel, as detailed in the Local Rules (E.D.N.C.).

Worthmore Properties; and Sloan Drummonds, individually.

The Clerk of Court hereby is DIRECTED to enter default as against these three defendants, only. The Clerk further is DIRECTED to continue managing this action as against defendants Bayview Motors and Commercial Trucks, Inc. and Crystal Drummonds, individually, according to the procedures adopted by this court.

SO ORDERED.

This the 9th day of August, 2011.



JAMES C. FOX
Senior United States District Judge